

Cody, Karen

From: Tim Ritzka <tritzka@law.ga.gov>
Sent: Wednesday, March 18, 2015 11:11 AM
To: Michuda, Colleen E.
Subject: Accepted: Meeting regarding International Paper/Arizona Chemical Permit

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Cody, Karen

From: jim.brown@dnr.state.ga.us
Sent: Monday, March 23, 2015 2:59 PM
To: Michuda, Colleen E.
Cc: Ritzka, Tim
Subject: RE: International Paper/Arizona Chemical

Colleen, See the responses in red below. I plan on bringing a packet of information to the meeting Thursday with most of the information you've requested. If you have any other questions, just let me know. Thanks -Jim

From: Michuda, Colleen E. [<mailto:Michuda.Colleen@epa.gov>]
Sent: Friday, March 20, 2015 12:23 PM
To: Tim Ritzka
Cc: Brown, Jim
Subject: RE: International Paper/Arizona Chemical

Tim & Jim,

I've gone back today through the International Paper (IP)/Arizona Chemical (ACC) "position paper" and the existing Permit that Tim sent me and was hoping that you guys could help provide some additional information in advance of our meeting next Thursday. I just want to make sure I have all the facts correct.

- 1) Is the only RCRA Permit at the facility the corrective action Permit issued to IP on 3/8/99 (modified on 11/24/04)?
Yes
 - a. Was this Permit renewed more recently, or has it been administratively continued? No
 - b. It looks like the Permit only covers corrective action (i.e., no post-closure or TSD operating requirements for any portion of the facility). Is that correct? Yes
 - c. Can you provide a map of the facility showing the property boundaries, as well as the locations of all SWMUs (I'm assuming that there are SWMUs on all of the portions of the property being discussed (i.e., IP, ACC, and the Tall Oil Plant (TOP)))? Yes, I'll bring Thursday, but it will be multiple maps.
 - d. Was ACC ever a permittee? Did they ever sign a permit application? It looks like IP is the only permittee on the current Permit. No/Yes, they submitted a permit app. That we never approved/ Yes
 - e. It looks like one of the RCRA units was clean closed, but the other was "risk-based closed." What does "risk-based closed" mean and are there any ongoing obligations with respect to this unit (i.e. post-closure)? There were two storage units both were closed and do not require post closure care. I'll provide details Thursday
 - f. The 2004 permit modification notes that several SWMUs were in the risk assessment process. Has the risk assessment been completed? Has a CMS been prepared? Are we close to a remedy selection at any of these SWMUs? Yes/No, we don't require one/We have two draft CAPs one for ACC one for IP. Initially submitted in 2008. They are doing an IM to monitor groundwater. We are reviewing the results of the IM and we will be calling in a revised CAP.
- 2) Does IP still own the entirety of the facility, including the portion where ACC is operating? No
- 3) Was ACC ever issued a separate ID number? They requested one on February 7, 2007. What activities were included on this notification form (generator? TSD?) Yes/We will try to track down the form.
- 4) Is the TOP segregated in any way from IP's other operations (i.e., fence, gate)? Are its operations included under the IP ID #? No/??
- 5) What is the contamination at the facility? There is a reference to there not being commingled plumes. Is soil contamination the issue? Soil & gw contamination (VOCs, SVOCs and metals)/ GW plume from TOP is commingled w/IP's gw plume.

- 6) The IP/ACC position paper references several pieces of correspondence between GAEPD and IPP/ACC. Could we get copies? I saw references to:
- a. IP/ACC correspondence to GAEPD, dated April 10, 2007; Can't locate
 - b. IP/ACC correspondence to GAEPD, dated July 2008; Separate permit apps from the two companies (big docs)
 - c. GAEPD correspondence to IP/ACC, dated January 2012; NODs to facilities re: apps
 - d. GAEPD's initial draft of separate permits, dated March 2013; draft documents sent via email
 - e. GAEPD's correspondence to IP/ACC, dated May 2013; and ??? We had a meeting in May 2013, but no correspondence
 - f. Draft joint permit for comment, dated November 2013. This is not a final permit but we sent a draft joint permit to the two companies in an effort to start a dialog.

Thanks in advance. I just want to make sure we understand all the facts so that our meeting on Thursday can be as productive as possible.

--Colleen

Colleen E. Michuda
Senior Attorney, Office of RCRA, OPA & UST Legal Support
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From: Tim Ritzka [<mailto:tritzka@law.ga.gov>]
Sent: Wednesday, March 18, 2015 10:19 AM
To: Michuda, Colleen E.
Cc: jim.brown@dnr.state.ga.us
Subject: RE: International Paper/Arizona Chemical

I have confirmed with Jim Brown and EPD, and that is a great time and date. TJR

Tim Ritzka

From: Michuda, Colleen E. [<mailto:Michuda.Colleen@epa.gov>]
Sent: Tuesday, March 17, 2015 4:41 PM
To: Tim Ritzka
Subject: RE: International Paper/Arizona Chemical

How about Thursday, March 26th, at 10:00 am? If that works, I'll send out an invite and get a room.

--Colleen

Colleen E. Michuda
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michuda.colleen@epa.gov

From: Tim Ritzka [<mailto:tritzka@law.ga.gov>]
Sent: Monday, March 16, 2015 2:54 PM

To: Michuda, Colleen E.
Subject: RE: International Paper/Arizona Chemical

Best times for us is Monday, Tuesday, Wednesday or Thursday morning of next week. TJR

Tim

From: Michuda, Colleen E. [<mailto:Michuda.Colleen@epa.gov>]
Sent: Monday, March 16, 2015 1:31 PM
To: Tim Ritzka
Cc: jim.brown@dnr.state.ga.us
Subject: RE: International Paper/Arizona Chemical

Got it. Let me coordinate with Susan on who should attend for EPA – right now my guess is Meredith Anderson, Mike Norman, and maybe Jeff Pallas. I will look at schedules for later this week or early next week. Are there any days that won't work for you and EPD?

--Colleen

Colleen E. Michuda
Senior Attorney, Office of RCRA, OPA & UST Legal Support
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From: Tim Ritzka [<mailto:tritzka@law.ga.gov>]
Sent: Monday, March 16, 2015 1:28 PM
To: Michuda, Colleen E.
Cc: jim.brown@dnr.state.ga.us
Subject: RE: International Paper/Arizona Chemical

Colleen,

It appears that the Director has waited long enough for any type of technical defense from IP/ACC on the permit issue. In speaking with Jim Brown, I suggested that we meet with you and Susan and your technical folks and discuss this the issues, and possibly request some type of position letter similar to what was produced in Pinova. If we had had that position letter before the permit was issued, I am not certain whether there would have been any appeal.

So, I am asking for a meeting with you and Susan, and EPA's technical side in the next few weeks to get on the same page. Jim Brown and others from EPD will be in attendance with me. We could meet at your offices.

After our meeting, EPA could draft a position letter for our files, to be used in some type of summary judgment, with a caution that the signature of the letter may be required to testify if and when an appeal is taken of the permit.

Thus,, if you could figure out who should be in attendance from EPA, and align schedules and propose some meeting dates, we will get back to you quickly to agree on a meeting date.

Thank you very much. Looking forward to working with you. I enjoy your knowledge, experience, and expertise.

//Signed//

Tim Ritzka

From: Michuda, Colleen E. [<mailto:Michuda.Colleen@epa.gov>]
Sent: Monday, February 23, 2015 1:27 PM
To: Tim Ritzka
Subject: International Paper/Arizona Chemical

Tim, I have had your IP/ACC permitting issue on my to-do list for a while and I truly apologize for my delay in getting back to you. I've been really struggling to keep up and to meet my Program client's priorities. What is the status of the permitting issue? If you still need/want my input, I'm ready to work on this. Let me know. Again, I apologize.
--Colleen

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Cody, Karen

Subject: Meeting regarding International Paper/Arizona Chemical Permit
Location: 13B -- EPA

Start: Thu 3/26/2015 10:00 AM
End: Thu 3/26/2015 11:00 AM
Show Time As: Tentative

Recurrence: (none)

Meeting Status: Not yet responded

Organizer: Michuda, Colleen E.
Required Attendees: Norman, Michael; Anderson, Meredith; Hardegree, Wesley; Morris, Robert; Tim Ritzka; jim.brown@dnr.state.ga.us; Hansen, Susan

All, Jim Brown and Tim Ritzka will be joining us next Thursday to discussing the IP/ACC permitting issue. I've reserved 13B.

Jim & Tim, Please check in on the 9th floor and have the receptionist call me and I'll come get you.
--Colleen

Cody, Karen

From: jim.brown@dnr.state.ga.us
Sent: Friday, March 27, 2015 10:32 AM
To: Michuda, Colleen E.; Norman, Michael; Anderson, Meredith; Hardegree, Wesley; Morris, Robert; Hansen, Susan
Cc: Tim Ritzka
Subject: Conf call w/IP and ACC

The call I had with IP and ACC just ended. They are going to submit a document showing that the GW plumes from IP and ACC operations are not comingled. They said that demonstrating that was their best technical argument for separate permits. They are going to submit that information by April 27th. I told them that EPD would consider all of the information associated with the site before making a permit decision. I mentioned that we all spoke yesterday and they didn't really seem too concerned about that. They also are going to present information about the parcel ACC sold to the Sav. Economic Dev. Authority in 2013. Also, I have my staff researching what was included as part of the 1999 permit mod and the status of the WW ponds on Hutchinson Island. I'll share with everyone what we find out.
Thanks again for the meeting yesterday and your continued support. -Jim

Cody, Karen

From: Brown, Jim <Jim.Brown@dnr.ga.gov>
Sent: Monday, June 29, 2015 2:02 PM
To: Michuda, Colleen E.; Tim Ritzka
Cc: Hansen, Susan
Subject: RE: International Paper

Works for me.

From: Michuda, Colleen E. [mailto:Michuda.Colleen@epa.gov]
Sent: Monday, June 29, 2015 2:01 PM
To: Tim Ritzka
Cc: Brown, Jim; Hansen, Susan
Subject: RE: International Paper

Is 4:30 today too late?

Colleen E. Michuda
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From: Tim Ritzka [mailto:tritzka@law.ga.gov]
Sent: Monday, June 29, 2015 10:49 AM
To: Hansen, Susan; Michuda, Colleen E.
Cc: 'Brown, Jim'
Subject: RE: International Paper

We are available anytime the rest of today, Monday, and anytime Tuesday, but for 1 to 2 p.m. to talk. TJR

Tim Ritzka

From: Hansen, Susan [mailto:Hansen.Susan@epa.gov]
Sent: Friday, June 26, 2015 1:25 PM
To: Michuda, Colleen E.; Tim Ritzka
Subject: RE: International Paper

I am available Tuesday. I'm taking Monday off, but I can easily call in if that day works better for you all.

From: Michuda, Colleen E.
Sent: Friday, June 26, 2015 12:50 PM
To: Tim Ritzka
Cc: Hansen, Susan
Subject: RE: International Paper

Hi Tim. Monday works for me. I'm still on the fence about whether to come in Tuesday or not. SUSAN – are you available on Monday to talk to Tim and Jim?

--Colleen

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From: Tim Ritzka [<mailto:tritzka@law.ga.gov>]

Sent: Friday, June 26, 2015 10:28 AM

To: Michuda, Colleen E.

Subject: RE: International Paper

Colleen,

Jim Brown isn't responding to me by email or phone. Can we try either Monday or Tuesday if you all are going to be in?

Tim

From: Michuda, Colleen E. [<mailto:Michuda.Colleen@epa.gov>]

Sent: Thursday, June 25, 2015 4:22 PM

To: Tim Ritzka

Subject: RE: International Paper

Hi Tim. Would you and Jim Brown be available tomorrow (Friday) for a call with me and Susan to follow up?

--Colleen

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michuda.colleen@epa.gov

From: Tim Ritzka [<mailto:tritzka@law.ga.gov>]

Sent: Wednesday, June 24, 2015 11:21 AM

To: Michuda, Colleen E.

Subject: International Paper

Colleen,

Just wanted to check in to see what is EPA's take now on the International Paper Matter. If we need a phone call, we can set it up and discuss. I am working from home tomorrow, and most of my afternoon is available to talk.

Thanks

//Signed//

TIMOTHY J. RITZKA
Senior Assistant Attorney General
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Cody, Karen

From: Brown, Jim <Jim.Brown@dnr.ga.gov>
Sent: Wednesday, August 19, 2015 3:13 PM
To: Michuda, Colleen E.; Cown, Jeff; Tim Ritzka; Norman, Michael; Anderson, Meredith; Hardegree, Wesley; Morris, Robert
Cc: Hansen, Susan
Subject: RE: International Paper/Arizona Chemical Savannah Permitting Issue

I am available those days, but I find it ridiculous that the first time they can meet is 60 days from now.

Maybe they need to bring a smaller group to meet with us. In addition, it's not like we're going to meet with them and then issue the permit, they will want some time to go back and prepare a submittal for us which may take them an additional 60 days.

Is there any deadline for when we need to issue this permit? Maybe we need to give them one?

From: Michuda, Colleen E. [mailto:Michuda.Colleen@epa.gov]
Sent: Wednesday, August 19, 2015 2:43 PM
To: Cown, Jeff; Brown, Jim; Tim Ritzka; Norman, Michael; Anderson, Meredith; Hardegree, Wesley; Morris, Robert
Cc: Hansen, Susan
Subject: International Paper/Arizona Chemical Savannah Permitting Issue

All, I talked with Stacy Watson May today regarding her clients' request for a meeting with EPA to discuss the issue of separate permits for the IP/ACC Savannah facilities. It looks like scheduling conflicts have pushed our meeting out to October. She is now proposing **October 20-22** for the joint, in-person meeting here in Atlanta with EPA and GAEPD. Please respond with your availability during this time frame and I will see what I can schedule. Thanks.
--Colleen

Colleen E. Michuda
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michuda.colleen@epa.gov

Cody, Karen

From: Cown, Jeff <Jeff.Cown@dnr.ga.gov>
Sent: Thursday, August 20, 2015 1:34 PM
To: Michuda, Colleen E.; Norman, Michael; Anderson, Meredith; Hardegree, Wesley; Morris, Robert; Brown, Jim
Subject: RE: Savannah Facilities of International Paper and Arizona Chemical

Colleen,

I am open on August 31st.

Jeff

From: Michuda, Colleen E. [mailto:Michuda.Colleen@epa.gov]
Sent: Thursday, August 20, 2015 1:28 PM
To: Norman, Michael; Anderson, Meredith; Hardegree, Wesley; Morris, Robert; Cown, Jeff; Brown, Jim
Subject: FW: Savannah Facilities of International Paper and Arizona Chemical
Importance: High

See below. IP and ACC are now available on August 31st (which was one of the original dates that we had proposed). Does that still work for everyone?
--Colleen

Colleen E. Michuda
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From: Stacy.WatsonMay@hklaw.com [mailto:Stacy.WatsonMay@hklaw.com]
Sent: Thursday, August 20, 2015 1:08 PM
To: Michuda, Colleen E.
Subject: RE: Savannah Facilities of International Paper and Arizona Chemical

Colleen,

Our teams' schedule has just freed up for August 31 so we could meet that day if EPD and EPA are still available. In order to get flights and to be prepared for a meeting on August 31, we would need to know by the end of the day tomorrow. Please let me know if that date works better for you.

Stacy

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stacy.watsonmay@hklaw.com | www.hklaw.com

Practice areas are Environmental Law | Mediation | Arbitration

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From: Watson May, Stacy (JAX - X27321)
Sent: Wednesday, August 19, 2015 2:39 PM
To: 'Michuda, Colleen E.'
Subject: RE: Savannah Facilities of International Paper and Arizona Chemical

Coleen,
Quick correction. We cannot do October 19. So far, it looks like October 20-22 is our window.

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From: Michuda, Colleen E. [<mailto:Michuda.Colleen@epa.gov>]
Sent: Wednesday, August 19, 2015 8:49 AM
To: Watson May, Stacy (JAX - X27321)
Subject: RE: Savannah Facilities of International Paper and Arizona Chemical

Hi Stacy. I'll give you a call later today (I will be away from my desk most of the morning). I guess I always thought that you were going to meet with Jim Brown and Jeff Cown (EPD) for one meeting and all of us for the other meeting. I'm fine with two separate meetings, but EPA feels strongly that EPD needs to be present during any meeting that we have with you all.
--Colleen

Colleen E. Michuda
Senior Attorney, Office of RCRA, OPA & UST Legal Support
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michuda.colleen@epa.gov

From: Stacy.WatsonMay@hklaw.com [<mailto:Stacy.WatsonMay@hklaw.com>]
Sent: Tuesday, August 18, 2015 4:01 PM
To: Michuda, Colleen E.
Subject: RE: Savannah Facilities of International Paper and Arizona Chemical

Colleen,
I'm touching base to let you know that I haven't given up on a possible meeting next week but I have not been able to reach one of the legal team members who needs to be at our meetings with EPA and EPD and who is likely not available on the morning of August 24. It seemed as though EPA preferred to address all issues together but we could have the

technical meeting with EPD on August 25 and work toward the broader meeting with EPA after that? We very much want to meet with EPA but one of our key technical team members is on medical leave during September and part of October. Having the technical meeting on August 25 might help provide the information needed for our meeting with EPA. Let me know if two meetings would be an option.
Stacy

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From: Watson May, Stacy (JAX - X27321)

Sent: Thursday, August 13, 2015 10:05 AM

To: Michuda, Colleen E.

Subject: Re: Savannah Facilities of International Paper and Arizona Chemical

Colleen, I sure did. I'm trying to connect with each member of my team in order to get back to you. Sorry for the delay. I will let you know soon as possible, hopefully today.

Sent from my iPhone

On Aug 13, 2015, at 9:39 AM, Michuda, Colleen E. <Michuda.Colleen@epa.gov> wrote:

Hi Stacy. Just checking to make sure you received this message. I know it's always difficult to schedule meetings with a larger group. . . let me know what you're thinking and we can hopefully make something work.

--Colleen

Colleen E. Michuda

Senior Attorney, Office of RCRA, OPA & UST Legal Support

U.S. Environmental Protection Agency, Region 4

Atlanta, Georgia 30303

404-562-9685

michuda.colleen@epa.gov

From: Michuda, Colleen E.

Sent: Tuesday, August 11, 2015 10:02 AM

To: 'Stacy.WatsonMay@hklaw.com'

Cc: 'Cown, Jeff'; 'Brown, Jim'; Hardegree, Wesley

Subject: RE: Savannah Facilities of International Paper and Arizona Chemical

Stacy – I'm looping Jeff and Jim on this conversation, too, so that we can coordinate. Any meeting that we have to discuss this issue should include both EPA and EPD. In terms of availability, here are the options:

Monday, August 24th: Both EPA and EPD are available until 1:30 pm (NOTE: I have a conflict in the afternoon). The morning would work. I know you had preferred not to travel this day, so maybe a conference call would work best. We could set up an Adobe Connect link so that we could all see any maps or other documents that are shared.

Monday, August 25th: EPD is available until noon, but most of the EPA corrective action people are unavailable due to a training/conference that is going on 8/25-8/27.

Monday, August 31st (yes – I meant the 31st – sorry): Both EPA and EPD can be available. EPD is not available the rest of the week, so this is the only day that would work this week.

Let me know how you want to proceed.

--Colleen

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michuda.colleen@epa.gov

From: Stacy.WatsonMay@hklaw.com [<mailto:Stacy.WatsonMay@hklaw.com>]

Sent: Monday, August 10, 2015 4:44 PM

To: Michuda, Colleen E.

Subject: RE: Savannah Facilities of International Paper and Arizona Chemical

Colleen,

Since 8/30 is a Sunday, I'm guessing that you're thinking of August 31. Unfortunately, two of our technical people are unavailable that week. I'll double check with our team.

If our technical people aren't available on August 31, should we proceed with the EPD meeting, probably on August 25, and then meet with EPA at another time, either by phone or in person?

Stacy Watson May, Esq. | Holland & Knight

Of Counsel

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From: Michuda, Colleen E. [<mailto:Michuda.Colleen@epa.gov>]

Sent: Monday, August 10, 2015 4:33 PM

To: Watson May, Stacy (JAX - X27321)

Subject: RE: Savannah Facilities of International Paper and Arizona Chemical

I'll touch base tomorrow, but EPA may not be able to do 8/24 or 8/25. GAEPD and EPA could do 8/30. Would that work?

Colleen E. Michuda
Senior Attorney, Office of RCRA, OPA & UST Legal Support
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michuda.colleen@epa.gov

From: Stacy.WatsonMay@hklaw.com [<mailto:Stacy.WatsonMay@hklaw.com>]
Sent: Friday, July 31, 2015 4:07 PM
To: Michuda, Colleen E.
Subject: Savannah Facilities of International Paper and Arizona Chemical

Colleen,

Thank you again for your time today discussing RCRA permits for the Savannah Facilities of International Paper and Arizona Chemical. We appreciate your willingness to meet with us regarding the appropriateness of separate permits. I look forward to hearing from you next week about the timing of the meeting and EPD's availability. We will keep the dates of August 25-28 penciled on the calendar.

Stacy Watson May, Esq. | Holland & Knight
Of Counsel

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Cody, Karen

From: Michuda, Colleen E.
Sent: Wednesday, September 23, 2015 1:27 PM
To: 'Jeff.Cown@dnr.ga.gov'; 'Jim.Brown@dnr.ga.gov'; 'tritzka@law.ga.gov'
Subject: FW: Permit Examples

See below for how I responded to Stacy.

Colleen E. Michuda
Senior Attorney, Office of RCRA, OPA & UST Legal Support
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404-562-9685
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From: Michuda, Colleen E.
Sent: Tuesday, September 22, 2015 5:11 PM
To: 'Stacy.WatsonMay@hklaw.com'; Hansen, Susan
Cc: al.adams@hklaw.com
Subject: RE: Permit Examples

Yes. That would be great. Please be sure to include Tim Ritzka as well.

Colleen E. Michuda
Senior Attorney, Office of RCRA, OPA & UST Legal Support
U.S. Environmental Protection Agency, Region 4
Atlanta, Georgia 30303
404-562-9685
michuda.colleen@epa.gov

From: Stacy.WatsonMay@hklaw.com [<mailto:Stacy.WatsonMay@hklaw.com>]
Sent: Tuesday, September 22, 2015 5:00 PM
To: Michuda, Colleen E.; Hansen, Susan
Cc: al.adams@hklaw.com
Subject: RE: Permit Examples

Colleen,
Next week is fine except we are not available Thursday afternoon or Friday. Would you like for me to coordinate with EPD as to availability for a call?

Stacy Watson May, Esq. | Holland & Knight
Of Counsel
50 N. Laura Street, Suite 3900 | Jacksonville, FL 32202
Direct 904.798.7321 | Main 904.353.2000 | Main Fax 904.358.1872
stacy.watsonmay@hklaw.com | www.hklaw.com

Practice areas are Environmental Law | Mediation | Arbitration
[Add to Address Book](#) | [View Professional Biography](#)
[View LinkedIn Profile](#)

From: Michuda, Colleen E. [<mailto:Michuda.Colleen@epa.gov>]
Sent: Tuesday, September 22, 2015 2:26 PM
To: Watson May, Stacy (JAX - X27321) <Stacy.WatsonMay@hklaw.com>; Hansen, Susan <Hansen.Susan@epa.gov>
Cc: Adams, Al (ATL - X48117) <al.adams@hklaw.com>
Subject: RE: Permit Examples

Hi Stacy. Susan is out all of this week, so if you want to include her, it will have to be next week. Also, because this is Georgia EPD's permit, any discussion that we have with you should include representatives from EPD and the AG's Office.

Colleen E. Michuda
Senior Attorney, Office of RCRA, OPA & UST Legal Support
U.S. Environmental Protection Agency, Region 4
Atlanta, Georgia 30303
404-562-9685
michuda.colleen@epa.gov

From: Stacy.WatsonMay@hklaw.com [<mailto:Stacy.WatsonMay@hklaw.com>]
Sent: Monday, September 21, 2015 2:54 PM
To: Michuda, Colleen E.; Hansen, Susan
Cc: al.adams@hklaw.com
Subject: RE: Permit Examples

Colleen and Susan,
Thank you again for the examples. We have discussed the examples and the amended applications with Arizona Chemical and International Paper. We have also found an EPA decision [In the Matter of Shaw Industries, Inc.](#) Shaw Industries requested and received 3 Title V air permits from EPD. Shaw requested separate permits for "administrative purposes" which was not elaborated in the decision. Sierra Club objected to three permits as making it difficult to detect the source's non-compliance with PSD requirements. Sierra Club argued that EPD did not have authority to issue 3 permits. EPA found that nothing in the statute or rules prohibiting EPD from issuing separate permits and found that Sierra Club could not demonstrate that the permit was out of compliance with the Clean Air Act (CAA) and the rules implementing it. The three permits covered one air emissions "source" and were all under common control, located on contiguous and/or adjacent property and have the same SIC-code. Like the CAA, there is nothing in the RCRA statute, rules or Georgia's implementation that prohibits EPD from issuing separate permits.

We would like to suggest a compromise. Would you have some time to talk this week?

Stacy Watson May, Esq. | Holland & Knight
Of Counsel
50 N. Laura Street, Suite 3900 | Jacksonville, FL 32202
Direct 904.798.7321 | Main 904.353.2000 | Main Fax 904.358.1872
stacy.watsonmay@hklaw.com | www.hklaw.com

Practice areas are Environmental Law | Mediation | Arbitration
[Add to Address Book](#) | [View Professional Biography](#)

From: Michuda, Colleen E. [<mailto:Michuda.Colleen@epa.gov>]
Sent: Tuesday, September 1, 2015 1:50 PM
To: Watson May, Stacy (JAX - X27321) <Stacy.WatsonMay@hklaw.com>
Cc: Hansen, Susan <Hansen.Susan@epa.gov>; Jim.Brown@dnr.ga.gov; Jeff.Cown@dnr.ga.gov; Norman, Michael <Norman.Michael@epa.gov>; Hardegree, Wesley <Hardegree.Wes@epa.gov>; Morris, Robert <Morris.Robert@epa.gov>; Verduin, Jeanette <Verduin.Jeanette@epa.gov>; tritzka@law.ga.gov
Subject: Permit Examples

Stacy, Thank you, again, for meeting with us yesterday. Per our discussion, I am attaching both the Ashland/Jaxon Permit and the Timco Permit (both Mississippi permits issued by Region 4).

I am also attaching a link to the NCDENR Nexeo Permit, which is currently out for public comment. This is the permit that still has an operating TSD with conditions associated with those operations. Nexeo is the current owner and operator. Ashland is also a permittee as an operator because it is the entity conducting the corrective action.

<http://portal.ncdenr.org/web/wm/hw/news/pnotice>

Hope these help.

--Colleen

Colleen E. Michuda
Senior Attorney, Office of RCRA, OPA & UST Legal Support
U.S. Environmental Protection Agency, Region 4
Atlanta, Georgia 30303
404-562-9685
michuda.colleen@epa.gov

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Cody, Karen

From: Tim Ritzka <tritzka@law.ga.gov>
Sent: Friday, September 25, 2015 10:59 AM
To: Michuda, Colleen E.
Subject: Accepted: Follow-up IP/ACC Call

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Cody, Karen

From: Brown, Jim <Jim.Brown@dnr.ga.gov>
Sent: Wednesday, September 30, 2015 12:49 PM
To: Tim Ritzka; Michuda, Colleen E.; Cown, Jeff
Cc: Hansen, Susan; Norman, Michael; Anderson, Meredith; Hardegree, Wesley; Morris, Robert
Subject: RE: IP/ACC

Me too

From: Tim Ritzka [mailto:tritzka@law.ga.gov]
Sent: Wednesday, September 30, 2015 12:46 PM
To: 'Michuda, Colleen E.'; Brown, Jim; Cown, Jeff
Cc: Hansen, Susan; Norman, Michael; Anderson, Meredith; Hardegree, Wesley; Morris, Robert
Subject: RE: IP/ACC

Ok with me. TJR

From: Michuda, Colleen E. [mailto:Michuda.Colleen@epa.gov]
Sent: Wednesday, September 30, 2015 12:04 PM
To: Jim.Brown@dnr.ga.gov; Tim Ritzka; Jeff.Cown@dnr.ga.gov
Cc: Hansen, Susan; Norman, Michael; Anderson, Meredith; Hardegree, Wesley; Morris, Robert
Subject: RE: IP/ACC

How about 2:30 pm today?

Colleen E. Michuda
Senior Attorney, Office of RCRA, OPA & UST Legal Support
U.S. Environmental Protection Agency, Region 4
Atlanta, Georgia 30303
404-562-9685
michuda.colleen@epa.gov

From: Michuda, Colleen E.
Sent: Wednesday, September 30, 2015 11:27 AM
To: Jim.Brown@dnr.ga.gov; tritzka@law.ga.gov; Jeff.Cown@dnr.ga.gov
Cc: Hansen, Susan; Norman, Michael; Anderson, Meredith; Hardegree, Wesley; Morris, Robert
Subject: IP/ACC

CONFIDENTIAL

Do you guys want to regroup this afternoon? What time might work? We can supply a call-in number.
--Colleen

Colleen E. Michuda
Senior Attorney, Office of RCRA, OPA & UST Legal Support
U.S. Environmental Protection Agency, Region 4

Atlanta, Georgia 30303
404-562-9685
michuda.colleen@epa.gov

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Cody, Karen

From: Brown, Jim <Jim.Brown@dnr.ga.gov>
Sent: Wednesday, September 30, 2015 2:39 PM
To: Michuda, Colleen E.
Subject: RE: IP/ACC Follow-up

OK for me

From: Michuda, Colleen E. [mailto:Michuda.Colleen@epa.gov]
Sent: Wednesday, September 30, 2015 2:36 PM
To: Tim Ritzka; Hansen, Susan; Hardegree, Wesley; Norman, Michael; Anderson, Meredith; Morris, Robert; Brown, Jim; Cown, Jeff
Subject: RE: IP/ACC Follow-up

Okay. Our all hands meeting was short and it looks like tomorrow might be tricky. I know this is last minute, but should we try to talk today at 3:00? I'm pretty sure Susan and I are available. The other option is to look at times next week.

Colleen E. Michuda
Senior Attorney, Office of RCRA, OPA & UST Legal Support
U.S. Environmental Protection Agency, Region 4
Atlanta, Georgia 30303
404-562-9685
michuda.colleen@epa.gov

From: Tim Ritzka [mailto:tritzka@law.ga.gov]
Sent: Wednesday, September 30, 2015 1:54 PM
To: Michuda, Colleen E.; Hansen, Susan; Hardegree, Wesley; Norman, Michael; Anderson, Meredith; Morris, Robert; Jim.Brown@dnr.ga.gov; Jeff.Cown@dnr.ga.gov
Subject: RE: IP/ACC Follow-up

Only available in the morning from 10 to 12. Unavailable Friday or Monday. TJR

Tim Ritzka

-----Original Appointment-----

From: Michuda, Colleen E. [mailto:Michuda.Colleen@epa.gov]
Sent: Wednesday, September 30, 2015 1:42 PM
To: Hansen, Susan; Hardegree, Wesley; Norman, Michael; Anderson, Meredith; Morris, Robert; Jim.Brown@dnr.ga.gov; Jeff.Cown@dnr.ga.gov; Tim Ritzka
Subject: Canceled: IP/ACC Follow-up
When: Wednesday, September 30, 2015 2:30 PM-3:00 PM (UTC-05:00) Eastern Time (US & Canada).
Where: Call-in # to be provided
Importance: High

Guys, It has come to my attention that we have a Regional all-hands meeting today at 2:15. Can we regroup tomorrow? Sorry, everyone.

--Colleen

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Cody, Karen

From: Tim Ritzka <tritzka@law.ga.gov>
Sent: Wednesday, September 30, 2015 2:51 PM
To: Michuda, Colleen E.; Hansen, Susan; Hardegree, Wesley; Norman, Michael; Anderson, Meredith; Morris, Robert; Jim.Brown@dnr.ga.gov; Jeff.Cown@dnr.ga.gov
Subject: RE: IP/ACC Follow-up

Available, call in number?

From: Michuda, Colleen E. [mailto:Michuda.Colleen@epa.gov]
Sent: Wednesday, September 30, 2015 2:50 PM
To: Tim Ritzka; Hansen, Susan; Hardegree, Wesley; Norman, Michael; Anderson, Meredith; Morris, Robert; Jim.Brown@dnr.ga.gov; Jeff.Cown@dnr.ga.gov
Subject: RE: IP/ACC Follow-up

Ok – I've only heard from Jim, but he's available. For those who can participate, let's call in at 3:00 today. I'll send out an invite. If we need to regroup again next week, that's fine, too.
--Colleen

Colleen E. Michuda
Senior Attorney, Office of RCRA, OPA & UST Legal Support
U.S. Environmental Protection Agency, Region 4
Atlanta, Georgia 30303
404-562-9685
michuda.colleen@epa.gov

From: Michuda, Colleen E.
Sent: Wednesday, September 30, 2015 2:36 PM
To: 'Tim Ritzka'; Hansen, Susan; Hardegree, Wesley; Norman, Michael; Anderson, Meredith; Morris, Robert; Jim.Brown@dnr.ga.gov; Jeff.Cown@dnr.ga.gov
Subject: RE: IP/ACC Follow-up

Okay. Our all hands meeting was short and it looks like tomorrow might be tricky. I know this is last minute, but should we try to talk today at 3:00? I'm pretty sure Susan and I are available. The other option is to look at times next week.

Colleen E. Michuda
Senior Attorney, Office of RCRA, OPA & UST Legal Support
U.S. Environmental Protection Agency, Region 4
Atlanta, Georgia 30303
404-562-9685
michuda.colleen@epa.gov

From: Tim Ritzka [mailto:tritzka@law.ga.gov]
Sent: Wednesday, September 30, 2015 1:54 PM
To: Michuda, Colleen E.; Hansen, Susan; Hardegree, Wesley; Norman, Michael; Anderson, Meredith; Morris,

Robert; Jim.Brown@dnr.ga.gov; Jeff.Cown@dnr.ga.gov

Subject: RE: IP/ACC Follow-up

Only available in the morning from 10 to 12. Unavailable Friday or Monday. TJR

Tim Ritzka

-----Original Appointment-----

From: Michuda, Colleen E. [<mailto:Michuda.Colleen@epa.gov>]

Sent: Wednesday, September 30, 2015 1:42 PM

To: Hansen, Susan; Hardegree, Wesley; Norman, Michael; Anderson, Meredith; Morris, Robert; Jim.Brown@dnr.ga.gov; Jeff.Cown@dnr.ga.gov; Tim Ritzka

Subject: Canceled: IP/ACC Follow-up

When: Wednesday, September 30, 2015 2:30 PM-3:00 PM (UTC-05:00) Eastern Time (US & Canada).

Where: Call-in # to be provided

Importance: High

Guys, It has come to my attention that we have a Regional all-hands meeting today at 2:15. Can we regroup tomorrow? Sorry, everyone.

--Colleen

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Cody, Karen

From: Tim Ritzka <tritzka@law.ga.gov>
Sent: Thursday, October 1, 2015 11:11 AM
To: Michuda, Colleen E.; Brown, Jim (Jim.Brown@dnr.ga.gov)
Subject: FW: ip savannah

Two Title V permits, but one facility since under Title V program, you can have multi permits for one facility. TJR

Tim Ritzka

From: Cornwell, Eric [mailto:Eric.Cornwell@dnr.ga.gov]
Sent: Thursday, October 01, 2015 10:59 AM
To: Tim Ritzka
Subject: ip savannah

<http://search.georgiaair.org/permit.aspx?id=PDF-VN-9162>

Eric Cornwell
Manager, Stationary Source Permitting Program
Air Protection Branch
4244 International Parkway, Suite 120
Atlanta, GA 30354
(404) 363-7020
www.epd.georgia.gov

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Cody, Karen

From: Norman, Michael
Sent: Thursday, June 1, 2017 12:49 PM
To: Cody, Karen
Subject: Re: FOIA Assignment for EPA-R4-2017-007089
Attachments: IP-ACC parceling.ppt

FYI

Michael A. Norman, Chief
RCRA Cleanup and Brownfields Branch
U. S. EPA Region 4
404-562-8792

From: Brown, Jim [mailto:Jim.Brown@dnr.ga.gov]
Sent: Monday, October 19, 2015 2:29 PM
To: Norman, Michael <Norman.Michael@epa.gov>; Michuda, Colleen E. <Michuda.Colleen@epa.gov>
Subject: IP/ACC slides

Sorry this took a little longer than expected. I kept it as brief as I could. I think if we wanted to we could add a last slide with why EPD/EPA believe one permit is the path forward, if not, we could just talk through the points.

Let me know if you have any changes or comments. Thanks

Parceling Case Study II

International Paper/Arizona
Chemical Company facility
Savannah, Georgia

Site History

- ◆ 480 acre facility in Savannah; in operation since 1936
- ◆ Was the largest kraft paper mill in the world, now manufactures liner board and saturating kraft paper
- ◆ Mill operations supply feedstock to specialty chemical manufacturing
- ◆ Union Camp issued HW Permit in 1988
- ◆ IP purchases Union Camp in 1999

Permitting History

- IP becomes permittee with 1999 purchase of Union Camp
- IP divests (?) ACC in 2007
- IP and ACC submit separate permit applications in 2009
- IP/ACC and EPD in discussions about permit since that time
- EPA working with all parties since 2014

[illegible]

Buildings

Arizona Chemical Company Property

International Paper property – leased to Arizona Chemical

PLEASE MAIL TO: JOURNAL OF POST KEYNESIAN ECONOMICS, C/O QUANTITATIVE, 10 THE CONTENT M

Savannah Area Geographic Information System (SAGIS) www.sagis.com

Sources: Esri, HERE, DeLorme, USGS, Intermap, iPC, Aero, NRCAN, Esri, Japan METI, Esri, China (Hong Kong), Esri, Thailand, Swisstopo, Mapbox, © OpenStreetMap contributors, and the GIS User Community

Permit still in question

- EPD position in 2009 was two separate permits
- Position changed in 2013 with Pinova decision to one permit with co-permittees
- IP/ACC want separate permits
- Initially IP/ACC wanted three permits; now offered two permits as a compromise
- EPD/EPA believe one permit is only option in this case

Cody, Karen

From: Norman, Michael
Sent: Thursday, June 1, 2017 12:50 PM
To: Cody, Karen
Subject: Re: FOIA Assignment for EPA-R4-2017-007089

FYI

Michael A. Norman, Chief
RCRA Cleanup and Brownfields Branch
U. S. EPA Region 4
404-562-8792

From: Brown, Jim [mailto:Jim.Brown@dnr.ga.gov]
Sent: Wednesday, August 19, 2015 3:13 PM
To: Michuda, Colleen E. <Michuda.Colleen@epa.gov>; Cown, Jeff <Jeff.Cown@dnr.ga.gov>; Tim Ritzka <tritzka@law.ga.gov>; Norman, Michael <Norman.Michael@epa.gov>; Anderson, Meredith <Anderson.Meredith@epa.gov>; Hardegree, Wesley <Hardegree.Wes@epa.gov>; Morris, Robert <Morris.Robert@epa.gov>
Cc: Hansen, Susan <Hansen.Susan@epa.gov>
Subject: RE: International Paper/Arizona Chemical Savannah Permitting Issue

I am available those days, but I find it ridiculous that the first time they can meet is 60 days from now.

Maybe they need to bring a smaller group to meet with us. In addition, it's not like we're going to meet with them and then issue the permit, they will want some time to go back and prepare a submittal for us which may take them an additional 60 days.

Is there any deadline for when we need to issue this permit? Maybe we need to give them one?

From: Michuda, Colleen E. [mailto:Michuda.Colleen@epa.gov]
Sent: Wednesday, August 19, 2015 2:43 PM
To: Cown, Jeff; Brown, Jim; Tim Ritzka; Norman, Michael; Anderson, Meredith; Hardegree, Wesley; Morris, Robert
Cc: Hansen, Susan
Subject: International Paper/Arizona Chemical Savannah Permitting Issue

All, I talked with Stacy Watson May today regarding her clients' request for a meeting with EPA to discuss the issue of separate permits for the IP/ACC Savannah facilities. It looks like scheduling conflicts have pushed our meeting out to October. She is now proposing **October 20-22** for the joint, in-person meeting here in Atlanta with EPA and GAEPD. Please respond with your availability during this time frame and I will see what I can schedule. Thanks.

--Colleen

Colleen E. Michuda
Senior Attorney, Office of RCRA, OPA & UST Legal Support
U.S. Environmental Protection Agency, Region 4
Atlanta, Georgia 30303
404-562-9685
michuda.colleen@epa.gov

Cody, Karen

From: Norman, Michael
Sent: Thursday, June 1, 2017 12:51 PM
To: Cody, Karen
Subject: Re: FOIA Assignment for EPA-R4-2017-007089

FYI

Michael A. Norman, Chief
RCRA Cleanup and Brownfields Branch
U. S. EPA Region 4
404-562-8792

From: Brown, Jim [mailto:Jim.Brown@dnr.state.ga.us]
Sent: Friday, March 27, 2015 10:32 AM
To: Michuda, Colleen E. <Michuda.Colleen@epa.gov>; Norman, Michael <Norman.Michael@epa.gov>; Anderson, Meredith <Anderson.Meredith@epa.gov>; Hardegree, Wesley <Hardegree.Wes@epa.gov>; Morris, Robert <Morris.Robert@epa.gov>; Hansen, Susan <Hansen.Susan@epa.gov>
Cc: Tim Ritzka <tritzka@law.ga.gov>
Subject: Conf call w/IP and ACC

The call I had with IP and ACC just ended. They are going to submit a document showing that the GW plumes from IP and ACC operations are not comingled. They said that demonstrating that was their best technical argument for separate permits. They are going to submit that information by April 27th. I told them that EPD would consider all of the information associated with the site before making a permit decision. I mentioned that we all spoke yesterday and they didn't really seem too concerned about that.

They also are going to present information about the parcel ACC sold to the Sav. Economic Dev. Authority in 2013.

Also, I have my staff researching what was included as part of the 1999 permit mod and the status of the WW ponds on Hutchinson Island. I'll share with everyone what we find out.

Thanks again for the meeting yesterday and your continued support. -Jim

Cody, Karen

From: Norman, Michael
Sent: Thursday, June 1, 2017 12:46 PM
To: Cody, Karen
Subject: FW: IP/ACC slides

FOIA Assignment for EPA-R4-2017-007089

Michael A. Norman, Chief
RCRA Cleanup and Brownfields Branch
U. S. EPA Region 4
404-562-8792

From: Norman, Michael
Sent: Monday, October 19, 2015 2:54 PM
To: Brown, Jim <Jim.Brown@dnr.ga.gov>; Michuda, Colleen E. <Michuda.Colleen@epa.gov>
Subject: RE: IP/ACC slides

Jim – Thanks, this looks good to me. I look forward to seeing you on Wednesday.

Michael A. Norman, Chief
RCRA Cleanup and Brownfields Branch
U. S. EPA Region 4
404-562-8792

From: Brown, Jim [<mailto:Jim.Brown@dnr.ga.gov>]
Sent: Monday, October 19, 2015 2:29 PM
To: Norman, Michael <Norman.Michael@epa.gov>; Michuda, Colleen E. <Michuda.Colleen@epa.gov>
Subject: IP/ACC slides

Sorry this took a little longer than expected. I kept it as brief as I could. I think if we wanted to we could add a last slide with why EPD/EPA believe one permit is the path forward, if not, we could just talk through the points.

Let me know if you have any changes or comments. Thanks

Cody, Karen

From: Brown, Jim <Jim.Brown@dnr.ga.gov>
Sent: Tuesday, May 31, 2016 9:30 AM
To: Morris, Robert
Cc: Hendricks, Jane
Subject: EPA HQs Request: Update Missing Permit Expiration Dates in RCRAInfo

Robert, We have updated the expiration dates for all of our permits except the following:

IP and Arizona Chemical – We are issuing a joint permit that went on public notice starting today. We'll add the expiration date once the Director signs the permit after the public notice period ends. We are in the process of terminating GD Searle's expired permit. Should be this month

If you need anything else, please let me know. Thanks -Jim

Cody, Karen

From: Brown, Jim <Jim.Brown@dnr.ga.gov>
Sent: Tuesday, December 20, 2016 12:59 PM
To: Ritzka, Tim
Cc: Michuda, Colleen E.
Subject: IP & ACC's Permit
Attachments: IP-ACC Cover Letter & Permit.pdf

Attached is the IP/ACC RCRA permit including the cover letter and our response to comments. I'll let you know if we receive a response from the facility. Thanks –Jim

Jim Brown
Program Manager
Hazardous Waste Corrective Action Program
Georgia Environmental Protection Division
(404) 657-8644

Cody, Karen

From: Brown, Jim <Jim.Brown@dnr.ga.gov>
Sent: Thursday, December 22, 2016 11:03 AM
To: Michuda, Colleen E.
Subject: RE: IP & ACC's Permit

Happy Holidays to you too.

From: Michuda, Colleen E. [mailto:Michuda.Colleen@epa.gov]
Sent: Thursday, December 22, 2016 10:58 AM
To: Brown, Jim; Ritzka, Tim
Subject: RE: IP & ACC's Permit

Thanks for keeping us in the loop. We were just wondering about the status of this permit the other day. Happy Holidays!
--Colleen

Colleen E. Michuda
Senior Attorney
Office of RCRA/CERCLA Legal Support
U.S. Environmental Protection Agency
61 Forsyth Street, SW
Atlanta, Georgia 30303
404-562-9685

From: Brown, Jim [mailto:Jim.Brown@dnr.ga.gov]
Sent: Tuesday, December 20, 2016 12:59 PM
To: Ritzka, Tim <tritzka@law.ga.gov>
Cc: Michuda, Colleen E. <Michuda.Colleen@epa.gov>
Subject: IP & ACC's Permit

Attached is the IP/ACC RCRA permit including the cover letter and our response to comments. I'll let you know if we receive a response from the facility. Thanks –Jim

Jim Brown
Program Manager
Hazardous Waste Corrective Action Program
Georgia Environmental Protection Division
(404) 657-8644

